



Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS
110 EAST MAIN STREET, SUITE 715
MADISON, WI 53703-3328
TELEPHONE: (608) 266-9760
FAX: (608) 266-1196
bbe@wicourts.gov

Annual Report - 2005

MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement, manages all bar admissions by examination and on reciprocity, and conducts character and fitness investigations of all candidates for admission, including those seeking admission by diploma privilege. The membership of the Board in 2005 was as follows:

John O. Olson	Lake Geneva	Chairperson
Joseph D. Kearney	Milwaukee	Vice-Chairperson
Mark J. Baker	Chippewa Falls	
Glenn E. Carr	Chicago	
Hon. Charles H. Constantine	Racine	
Carolyn Milanes Dejoie	Madison	
Dennis A. Danner	Franklin	
Kevin M. Kelly	Madison	
Mary Beth Keppel	Madison	
James A. Morrison	Marinette	
Catherine M. Rottier	Madison	

During the course of the year the Board Chair reported that Vice Chair Kearney who had two years remaining on his appointment would be unable to serve as Chair during the remainder of his term due to commitments at the Marquette University Law School but that he would remain on the Board. The long time Director of the Board, Gene Rankin, retired at the end of the year. Chair Olson and Atty. Rottier completed their terms on the Board, and they, along with Director Rankin, were presented with plaques honoring their service by Chief Justice Abrahamson at the December Board meeting.

Attorney James L. Huston of Whitefish Bay and Attorney Thomas M. Boykoff of Madison were appointed to the Board by the Court on October 31, 2005, for terms beginning in 2006.

At the December Board meeting, Judge Constantine was elected Chair for two terms. Member Morrison was elected Vice Chair.

Board: Charles H. Constantine, Chairperson, Racine; James A. Morrison, Vice-Chairperson, Marinette; Mark J. Baker, Chippewa Falls; Thomas M. Boykoff, Madison; Glenn E. Carr, Chicago; Dennis A. Danner, Franklin; Carolyn Milanes Dejoie, Madison; James L. Huston, Whitefish Bay; Joseph D. Kearney, Milwaukee; Kevin M. Kelly, Madison; Mary Beth Keppel, Madison

The Board met six times in Madison. The December meeting included a joint meeting with the Court at which policy matters of common concern were discussed. The Board also established a schedule of seven meetings for 2006 as was the prior practice. Additionally, the attorney members of the Board graded two bar examinations.

In 2005 the staff of the Board included the following persons:

Gene R. Rankin	Director
Ruth Janto-Wolter	Deputy Director
Jill Remy	Bar Application Manager (Bar Exam)
April Stegman	Bar Application Manager (Diploma Privilege)
Ben Hopkins	Character and Fitness Investigator/AFL Manager
Tammy McMillen	CLE Records Manager
Diane Knipfer	Course Approval coordinator (75%)
Toni Gilbertson	Program Assistant

FUNDING SOURCES AND EXPENDITURES

The mandatory continuing legal education requirement was self-funded in fiscal year 2005 by an annual assessment of lawyers on active and inactive status as of July 1, 2005, per State Bar of Wisconsin records, who paid \$13.00 and \$6.50, respectively.

The bar admissions portion of Board responsibilities continued to be entirely self-funded as well. The fees authorized by the Court were set September 1, 2000. For taking the Wisconsin Bar Examination (WBE), the fee was set at \$450; for filing an application for admission on proof of practice elsewhere (reciprocity), the fee was set at \$850; for diploma privilege character and fitness (C&F) certification, the fee was set at \$210. Late fees were charged for late filings of WBE (\$200) and C&F (\$100) applications. The admission fee for all modes was set at \$100; and late fees for admissions were set at \$200. The application fee for change of name was set at \$25.

In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the court, and from miscellaneous fees (copying, duplicate admission certificates, past examination sales, etc.).

Revenues shown are actual revenues; they include all late filing fees and include 2006 fees received in 2005.

Revenues

Licensing Activity	\$459,141.00
Education Activity	<u>260,473.00</u>
<u>Total CY 2005 Revenues</u>	\$719,614.00

Expenditures

Permanent Salaries	\$323,374.00
LTE Salaries	7,769.00
Fringe Benefits	133,938.00
Supplies, Services, and Capital	<u>221,990.00</u>
<u>Total CY 2005 Expenditures</u>	\$687,069.00

MANDATORY CONTINUING LEGAL EDUCATION

The 2005 calendar year was the year in which reports concerning compliance with the 2004-2005 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. Eight thousand fifty-five (8,055) lawyers admitted to practice law in Wisconsin in odd-numbered years were obligated to comply with the attendance and/or reporting requirement. One hundred fourteen (114) lawyers were suspended for non-compliance with the CLE requirement in 2005 for the 2003-2004 reporting cycle, and, of the 3,457 lawyers who have been suspended for non-compliance since the inception of the program in 1977, 1,737 remained suspended at the end of calendar 2005.

In 2005, lawyers again had a wide range of educational activities from which to select. General Program Approval (GPA), the annual institutional approval available to CLE sponsors, was extended to 40 organizations, an increase of 2 from the previous year. In addition, 8,982 activities were approved on a course-by-course basis which was an increase of 9.6% from the previous year. Two thousand six hundred seventy-two (2,672) activities were approved for ethics and professional responsibility (EPR), a decrease of .85 %. Thirty-six (36) Judicial Education courses were approved, 25 more than the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved a total of 131 courses for GAL credit in 2005, which was an decrease of 14.3% from the previous year. Of that total, 98 courses were GAL for Minors courses. The Board began approving GAL courses under Supreme Court Rules, Chapter 36, Eligibility for Appointment as Guardian Ad Litem for an Adult, on July 1, 2004, and approved 33 courses for GAL credit under this Chapter in 2005.

The total number of all CLE activities sited in Wisconsin was 3,738, a decrease of .48% from the previous year. Approval was denied in 105 cases (down from 122 in the previous year),

and EPR approval was denied in 317 cases (down from 356 in 2004). The principal reason for denial of approval was the failure to have a continuous hour of EPR as required by SCR 31.07(5).

MISCELLANEOUS ACTIONS

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

Reinstatements (other than SCR Chapter 31)	31
Chapter 31 reinstatements	52
Readmission following voluntary resignation from the bar	4
Name changes	114

ADMISSION TO THE PRACTICE OF LAW

Diploma Privilege

The Board received 471 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 10.3% increase over the 427 applications filed in the previous year. Four hundred thirty-six (436) were certified to the Court and admitted in 2005, which number includes those who graduated in prior years but who were not certified nor admitted until 2005. This represents a 18.8% increase over the 367 applicants admitted in the previous year.

No applicants withdrew their application. Four (4) applicants' files were closed for lack of response. Four (4) previously certified applicant's certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The Board notified four applicants that it intended to deny their admission on character and fitness grounds. Four hearings were held. Three applicants were cleared for admission following the hearings. The status of the fourth applicant was pending as of the end of the year.

Wisconsin Bar Examination

The Board administered two bar examinations in 2005 to a total of 298 applicants. This represents a 16.4% increase from the 256 applicants in the previous year. Statistical information is as follows:

<u>2005 Wisconsin Bar Examinations</u>	<u>Feb. 05</u>	<u>July 05</u>	<u>Total</u>
Applicants Writing Examination	116	182	298
Successful Examinees	90 (78%)	139 (76%)	229 (77%)

First-Time Takers	92	163	255
Successful First-Time Takers	75 (82%)	128 (79%)	203 (80%)

In an unprecedented action, the Board granted an applicant the opportunity to sit for the bar exam for a fifth time. The applicant had appealed his fourth failure to the Supreme Court.

A hearing was granted to one applicant, following which the Board issued Findings and Conclusions denying admission. The applicant subsequently appealed his denial to the Court. Additionally, the Board issued an intent to deny letter to one applicant and provided him an opportunity to provide additional information.

Admission on Reciprocity

In addition, the Board administered the rules for admission on reciprocity. In 2005 the Board received 89 applications under SCR 40.05. Fourteen (14) pending applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the durational requirement or other inability to meet the reciprocity requirements of the relevant rules). Two files were closed for lack of response. One previously-certified applicant's certification lapsed, for the reason that the applicant failed to be sworn in within a year of certification. The Board denied one applicant his request to reopen his file. Additionally, the Board issued Findings and Conclusions denying admission to three applicants.

Actual Admission

<u>Type of Admission</u>	<u>Year of Admission</u>					<u>Change Since 2003</u>
	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	
Admission by Examination	224	234	205	211	215	(+1.9%)
Admission on Reciprocity	80	76	87	66	69	(+4.5%)
Admission by Diploma Privilege	<u>441</u>	<u>463</u>	<u>430</u>	<u>412</u>	<u>436</u>	<u>(+5.8%)</u>
TOTAL	745	773	722	689	720	(+4.5%)

Denial of admission

The Board denies admission to the practice of law in Wisconsin by first notifying the applicant by letter that it intends to deny his or her admission, giving reasons therefor, and providing the applicant a copy of the materials upon which the Board based its decision. The applicant is provided a period in which to respond and, if desired, to request a hearing. A hearing is granted, according to Supreme Court rule, only upon a showing that there are facts bearing on the applicant's case that cannot be presented in writing. On occasion the Board may order a hearing *sua sponte*. After receipt of the applicant's response and/or after hearing, the Board may then either clear the applicant or may issue Findings and Conclusions formally denying

admission. An applicant who was denied admission may petition the Supreme Court for a review of the Board's adverse determination.

The Board issued letters indicating its intention to deny admission to nine applicants in 2005. Hearings were granted in five cases. The Board, as detailed above, cleared three applicants and issued Findings and Conclusions denying admission to five applicants in 2005, one of whom elected to appeal the Board's denial. Board decisions or applicant responses are pending in one case.

Respectfully submitted,

John E. Kosobucki, Director
Board of Bar Examiners

jek